

Defendant.

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Case No. CIV-21-969-PRW


Federal Rule of Civil Procedure 14(a)(1) provides that “[a] defending party may, as third-party plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it.”¹ Where, as here, leave is required to implead the

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nonparty, the decision to grant such leave “rests in the sound discretion of the trial court.”² Here, the Court finds that Defendant’s motion appropriately furthers the purposes of the Rule, and will not “prejudice the other parties or unduly complicate the litigation.”³

Accordingly, the Court **GRANTS** Defendant’s Motion (Dkt. 23); **STRIKES** this case from the Court’s October 2023 trial docket; and **STRIKES** the Scheduling Order (Dkt. 22) and the deadlines set forth therein. Defendant shall file its Third-Party Complaint within twenty days of this Order and shall serve process on the Third-Party Defendant within ninety days of issuance of summons.

IT IS SO ORDERED this 10th day of July 2023.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE

² *First Nat’l Bank of Nocona v. Duncan Sav. & Loan Ass’n*, 957 F.2d 775, 777 (10th Cir. 1992).

³ 6 Charles Alan Wright et al., *Federal Practice and Procedure* § 1443 (3d ed. 2011); *see also id.* § 1446 (noting that “[t]he secondary or derivative liability notion is central” to Rule 14)